

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

Case No. 12-CR-259

ANDRAE ROBERTS,

Defendant.

DECISION AND ORDER

Andrae Roberts moves to reconsider the Court's denial of his motion for the return of property under Federal Rule of Criminal Procedure 41(g). The Court held that Roberts must file a separate civil action and comply with the Prison Litigation Reform Act, citing *United States v. Stevens*, 500 F.3d 625, 629 (7th Cir. 2007). Roberts argues that *Stevens* did not hold as such. Yes it did, as did the cases cited therein. *See United States v. Howell*, 354 F.3d 693 (7th Cir. 2004); *see also Pena v. United States*, 122 F.3d 3, 4-5 (5th Cir. 1997) ("A motion for the return of seized property is a suit against the United States for property or money. As a common sense matter, this is a civil proceeding [subject to the PLRA]").

Roberts' motion [ECF No. 42] is **DENIED**.

Dated at Milwaukee, Wisconsin, this 27th day of May, 2016.

SO ORDERED:


HON. RUDOLPH T. RANDA
U.S. District Judge